

AN ORDINANCE BY

04-O-0874

COUNCIL MEMBERS DEBI STARNES, ANNE FAUVER,  
IVORY LEE YOUNG, JR, AND CLETA WINSLOW

**AN ORDINANCE TO CHANGE THE EFFECTIVE DATE OF CREATION OF THE "PONCE SPRINGS APARTMENTS MIXED-USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONE" FROM JANUARY 1, 2002 TO JANUARY 1, 2005, AND FOR OTHER PURPOSES.**

**WHEREAS**, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

**WHEREAS**, enabling legislation that is known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly, signed by the Governor in March 1983, and subsequently amended; and

**WHEREAS**, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for mixed-use residential/commercial purposes; and

**WHEREAS**, by ordinance that was adopted on October 1, 2001 by the Council and approved on October 9, 2001 by the Mayor, the Ponce Springs Apartments Mixed-Use Residential/Commercial Enterprise Zone was created to become effective on January 1, 2002; and

**WHEREAS**, the Ponce Springs Apartments Mixed-Use Residential/Commercial Enterprise Zone has remained undeveloped as a result of unanticipated development impediments; and

**WHEREAS**, The State of Georgia General Assembly's House Bill 483 amends the Atlanta/Fulton County Urban Enterprise Zone Act by giving the Council of the City of Atlanta the authority to change the effective date for local enterprise zones that remain undeveloped as a result of unanticipated development impediments; and

**WHEREAS**, Miller Gallman Developers, LLC has formally requested, via their October 7, 2003 letter comprising Exhibit "A", that the effective date of the Ponce Springs Apartments Mixed-Use Residential/Commercial Enterprise Zone be changed from January 1, 2002 to January 1, 2005 due to development impediments which have been caused by the national events occurring on September 11, 2001; by the subsequent downturn in the economy; by the imbalance of the Atlanta intown market; and by increasing costs.

**WHEREAS**, the Developers made this request through the proper channels of the Planning Department and they meet all requirements for changing the effective date of the Enterprise Zone.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:**

**Section 1:** The Ponce Springs Apartments Mixed-Use Residential/Commercial Enterprise Zone is hereby amended.

**Section 2:** The effective date of all exemptions that were established therein shall be January 1, 2005. The Ponce Springs Apartments Mixed-Use Residential/Commercial Enterprise Zone shall be abolished on December 31, 2014. The Ponce Springs Apartments Mixed-Use Residential/Commercial Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of the Ponce Springs Apartments Mixed-Use Residential/Commercial Enter-

prise Zone is attached hereto as "Exhibit B", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

**Section 3.** Twenty percent of the total units to be provided **shall reflect the same ratio of housing type and bedroom composition throughout the zone.** and shall be within the ability to pay of those households whose annual income does not exceed 60 percent of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. For said units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner by January 31 of each year shall submit a report to the commissioner of planning, development and neighborhood conservation, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

**Section 4:** The Municipal Clerk is hereby directed to transmit a copy of this ordinance as well as the legal description of the Ponce Springs Apartments Mixed-Use Residential/Commercial Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

**Section 5:** That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

**AN AMENDED ORDINANCE**

*Ivory Lee Young Jr.,*  
*Debi Starnes & Ann Furrer*  
**BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

*04-0-0874*

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03-0-1881

(Do Not Write Above This Line)

AN ORDINANCE

BY: COMMUNITY DEVELOPMENT/  
HUMAN RESOURCES COMMITTEE

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APARTMENTS MIXED-USE RESIDENTIAL/  
COMMERCIAL ENTERPRISE ZONE" FROM  
JANUARY 1, 2002 TO JANUARY 1, 2005;  
AND FOR OTHER PURPOSES.

NPU "M" COUNCIL DISTRICT 2

FILED BY  
CITY COUNCIL

JAN 05 2004

As Amended

- ☒ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER

Date Referred 11/17/03

Referred To: Community Development / Human Resources

Date Referred: 12/11/03  
Referred To: Planning Department / Human Resources

First Reading

Committee

Date

Chair

CD/HR

11/17/03

John W. Starnes

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

John W. Starnes

David S. Smith

Robert

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Committee

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Chair

Action:

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David S. Smith

Robert

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

JAN 05 2004

CLERK

CERTIFIED

JAN 05 2004

Rachel Dugan  
MUNICIPAL CLERK

MAYOR'S ACTION

04-0-0874  
(Do Not Write Above This Line)

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- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☒ PERSONAL PAPER REFER

Date Referred 05/03/04

Referred To: CD/HR

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION

☐ 2nd

☐ 1st & 2nd

☐ 3rd

Readings

☐ Consent

☐ V Vote

☐ RC Vote

CERTIFIED

MAYOR'S ACTION